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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 3-11-71304 JCS  
14 Plaintiff, ) STIPULATION AND [PROPOSED]  
15 ) ORDER EXCLUDING TIME UNDER  
16 v. ) SPEEDY TRIAL ACT  
17 MICHAEL KELLY, )  
18 Defendant. )

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19 Defendant Michael Kelly and the government, through undersigned counsel,  
20 STIPULATE to the exclusion of time under the Speedy Trial Act as to Defendant Michael Kelly  
21 from November 29, 2011 up to and including December 13, 2011, the date by which Defendant  
22 is ordered to appear before the duty magistrate in the Southern District of New York in this  
23 matter. The parties appeared before the Honorable Joseph C. Spero on November 29, 2011 for a  
24 detention hearing in this matter. Defendant Michael Kelly was present with his attorney,  
25 Kenneth Wine. Defendant and the government agreed to set a date of December 13, 2011 by  
26 which Defendant is to appear before the duty Magistrate Judge in the Southern District of New  
27 York in this matter, and requested that time be excluded under the Speedy Trial Act from  
28 November 29, 2011 through December 13, 2011 for transportation of Defendant to another

STIPULATION; ORDER  
CR 3-11-71304 JCS

1 district, continuity of defense counsel, and effective preparation of defense counsel.

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3 Dated: November 30, 2011

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/s/  
KENNETH WINE  
Attorney for Defendant

Dated: November 30, 2011

MELINDA HAAG  
United States Attorney

/s/  
CHINHAYI COLEMAN CADET  
Assistant United States Attorney

Based upon the above stipulation, and for good cause appearing, THE COURT ORDERS  
THAT:

1. Time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161 from November  
29, 2011 up to and including December 13, 2011 for transportation of the defendant to another  
district, continuity of defense counsel, and effective preparation of defense counsel. Failure to  
grant the requested continuance would unreasonably deny the defendant continuity of counsel  
and the time necessary for effective preparation, taking into account the exercise of due  
diligence.

2. Given these circumstances, the Court finds that the ends of justice served by  
excluding the period from November 29, 2011 up to and including December 13, 2011 outweigh  
the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3. Accordingly, and with the consent of the defendant, the Court orders that the  
period from November 29, 2011 up to and including December 13, 2011 be excluded from the  
Speedy Trial Act calculations as to Defendant Michael Kelly under 18 U.S.C. §§ 3161(h)(1)(F),  
3161(h)(7)(A), 3161(h)(7)(B)(iv).

December 1  
Dated: November \_\_\_, 2011

STIPULATION; ORDER  
CR 3-11-71304 JCS

